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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,636

10/27/2005

Antal Pelcz

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EXAMINER

HUSON, MONICA ANNE

ART UNIT

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1791

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,636	Applicant(s) PELCZ ET AL.	
	Examiner MONICA A. HUSON	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>102705</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10, 14, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 8 and 14, the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Such phrases as (Claim 8) "carrying out said foil hose cooling and stabilizing steps by purposeful using centrifugal forces affecting the external and/or the internal spiral coolant streams (17, 16) along the external and/or the internal surface of the foil hose (F), as well as density and pressure differences between various parts of the external and/or the internal spiral coolant stream/s (17, 16)" or (Claim 14) "characterized in that said external cooling unit (1A) of the cooling apparatus (1) is arranged to direct on the extruder nozzle (3) around the drawing aperture (4)" lack understandable sentence fragment structure and construction. Appropriate correction is required.

Regarding claim 9, the parenthetical phrase renders the claim indefinite because it is unclear whether the limitations within the parentheses are part of the claimed invention. See MPEP § 2173.05(d). For purposes of examination, the items within the parentheses are not seen as being exclusively claimed.

Regarding claims 10, 16, and 17, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For purposes of examination, the items following "preferably" are not seen as being exclusively claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thordarson (U.S. Patent 3,445,891), in view of Regusci (NL 1008448). Regarding Claims 8 and 14, Thordarson shows that it is known to have a method and apparatus for cooling an extruded plastic foil hose including the structural elements as in Claim 14 (Figures 1-2) and the method steps of providing free outlet for the ring channel and tubular, substantially flat wall surface for the skirt limiting the ring channel, directing the external coolant stream generated exclusively by tangential coolant streams to a part of the unstabilized section of the foil hose just exiting from the drawing aperture of the apparatus, feeding an internal coolant stream, and directing the internal coolant stream on an internal surface of the nonstabilized section of the foil hose (Figures 1-2; Column 2, lines 56-72; Column 3, lines 1-47). Thordarson does not show a spiral coolant stream. Regusci shows that it is known to direct a spiral coolant stream onto an extruded foil hose (Figures 1-3). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Regusci's spiral coolant stream during Thordarson's extrusion cooling process in order to most efficiently cool the extruded hose.

Regarding Claim 9, Thordarson shows the process as claimed as discussed in the rejection of Claim 8 above, including a method characterized by providing two tangential inlets and the free outlet for the external and internal coolant streams in the corresponding ring channel (Figure 1). Thordarson does not show a spiral coolant stream. Regusci shows that it is known to direct a spiral coolant stream onto an extruded foil hose (Figures 1-3). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Regusci's spiral

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coolant stream during Thordarson's extrusion cooling process in order to most efficiently cool the extruded hose.

Regarding Claim 10, Thordarson shows the process as claimed as discussed in the rejection of Claim 8 above, including a method having an additional step of applying both internal and external coolant streams simultaneously (Figure 1). Thordarson does not show a spiral coolant stream. Regusci shows that it is known to direct a spiral coolant stream onto an extruded foil hose (Figures 1-3). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Regusci's spiral coolant stream during Thordarson's extrusion cooling process in order to most efficiently cool the extruded hose.

Regarding Claim 15, Thordarson shows the apparatus as claimed as discussed in the rejection of Claim 14 above, including an apparatus characterized in that the external cooling unit has a coolant distribution drum mounted direct on the extruder nozzle coaxially with the drawing aperture, whose tangential inlet communicates with a ring duct coaxially surrounding the foil hose, around a part of the unstabilized section of the foil hose just exiting from the drawing aperture and the ring duct joins the ring channel (Figure 1, element 3).

Regarding Claims 16 and 17, Thordarson shows the apparatus as claimed as discussed in the rejection of Claim 14 above, including an apparatus characterized in that the internal cooling unit comprises an air distribution unit, which is provided with nozzles arranged to direct tangential coolant streams as coolant inlets to and along the internal perimeter of the unstabilized section of the foil hose, said nozzles are connected to a pressurized coolant supply and their position is adjustable within the internal space of the foil house and the internal cooling unit is provided with a coolant removal pipe open at its exhaust end (Figure 2).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thordarson and Regusci, further in view of Havens (U.S. Patent 3,976,733).

Thordarson shows the process as claimed as discussed in the rejection of Claims 8-10, respectively, above, but he does not show longitudinal slitting. Havens shows that it is

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known to extrude a foil hose including the additional step of cutting up the tubular foil hose longitudinally, at least at two places, forming flat foil strips being rolled up separately by roll pairs during or immediately after the final stage of the foil cooling and stabilizing steps (Figure 1; Column 3, lines 58-68; Column 4, lines 1-2). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Havens' longitudinal slitting after Thordarson's cooling process in order to obtain two rolls of foil out of one extruded hose.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA A. HUSON whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

/Monica A Huson/
Primary Examiner, Art Unit 1791